



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Agency Policy on Substance Abuse

Date: JUL 29 2004

From: Administrator

Reply to
Attn of:

To: All FAA Employees

The purpose of this memorandum and attached policy statement is to provide information to employees emphasizing the importance of maintaining a drug- and alcohol-free workplace, the consequences imposed if rules and regulations are violated, and the responsibility of management officials to ensure program compliance.

Random drug and alcohol testing continues to apply to all FAA employees occupying safety- or security-sensitive positions; i.e., testing designated positions (TDP). Employees in TDP's have duties and responsibilities that directly impact the safety of the National Airspace System. Employees in TDP's are subject to: random, post-accident, return-to-duty/followup, preemployment/preappointment; and reasonable suspicion testing. Employees in non-TDP's are subject to reasonable suspicion, post-accident, and followup testing.

Management officials are responsible for upholding the integrity of the Internal Substance Abuse Program. Supervisors, agency management officials, and designated team leaders must review and familiarize themselves with the managerial responsibilities under this program. Supporting program guidance is available from the Office of Aerospace Medicine or the Office of Human Resource Management.

Attached is my policy statement outlining the agency's position concerning substance abuse and the consequences for violations of this policy. As managers and employees, we are responsible for ensuring a drug- and alcohol-free workplace.


Marion C. Blakey

Attachment

Policy on Substance Abuse

The FAA cannot tolerate the decision of any employee to use illegal or misuse legal substances. Illegal substances include, but are not limited to, cocaine, marijuana, opiates, amphetamines, and phencyclidine. Legal substances include alcohol, prescribed medications, and over-the-counter medications. All of these substances may affect the work performance or conduct of an employee. As an employer with responsibility for aviation safety, the FAA is especially concerned when an employee's actions, on or off the job, could affect the safety of the flying public. Public confidence depends upon absolute trust in the integrity of the National Airspace System. An employee occupying a safety- or security-sensitive position (i.e., testing designated position (TDP)) who uses illegal or misuses legal substances will not be permitted to perform his or her duties unless the FAA determines that the employee is no longer a risk to public safety.

The following violations will result in the initiation of disciplinary action up to and including removal from the Federal service.

- **On-Duty Use or Possession of Illegal Drugs or Drug Trafficking.** Action will be initiated to remove any employee from Federal service when it is determined that the employee has engaged in on-duty use or possession of an illegal drug, or is involved in illegal drug trafficking; e.g., sale, manufacture, growth, distribution, or transportation.
- **On-Duty Use of Alcohol.** Action will be initiated to remove an employee in a TDP from the Federal service when it is determined that the employee has engaged in on-duty use of alcohol.
- **Off-Duty Illegal Drug Use or Alcohol Misuse.** An employee in a TDP may be subject to disciplinary action up to and including removal from the Federal Service for off-duty illegal drug use or alcohol misuse.
- **Mandated Pre-Duty Alcohol Abstinence Periods.** Action will be initiated to remove an employee in a TDP from the Federal service who fails to maintain abstinence from alcohol during a required period of abstinence. This includes paid or nonpaid breaks during the workday. Alcohol abstinence periods include either preduty or post-accident periods of required abstinence of alcohol.
- **Refusal to Comply with Procedures During Collection or Testing.** Action will be initiated to remove an employee in a TDP from the Federal service who fails to report to the testing site; refuses to provide a specimen for drug testing, or adequate breath sample for alcohol testing; attempts to alter, adulterate, or substitute the specimen provided; or engages in conduct that obstructs the collection or testing process.
- **Failure to Successfully Complete a Substance Abuse Rehabilitation Program.** Action will be initiated to remove an employee in a TDP from the Federal service who fails to successfully: complete an FAA Employee Assistance Program (EAP)/approved and monitored treatment/rehabilitation plan, maintain required abstinence, or complete followup testing.

Counseling and Rehabilitation Opportunity

Employees who abuse substances are encouraged to self-refer to the agency's EAP. A TDP employee who voluntarily identifies himself or herself as someone who uses illegal drugs or misuses alcohol, prior to being identified through other means, shall not be identified to the agency on the first occurrence of such self-referral for the purposes of taking any disciplinary action.

An employee who self-referred and who fails their initial rehabilitation program will be provided a final opportunity through a management referral for rehabilitation. Failure to successfully complete the second rehabilitation program will be subject to discipline up to and including removal.

Effect on Mission

Disciplinary action for prohibited drug- or alcohol-related misconduct will be taken under each of the circumstances described above. All disciplinary procedures and actions will be taken pursuant to applicable laws and regulations.

The determination by the agency to initiate action to remove an employee from the Federal service on the basis of illegal drug use, misuse of prescribed or over-the-counter medication, alcohol misuse, failure to successfully complete a rehabilitation program including abstinence and followup testing requirements, or failure to comply with the testing procedures is warranted since such misconduct is inconsistent with the mission of the agency and the nature of the employee's duties.

Together we must ensure a drug- and alcohol-free workplace. I ask for your total commitment to carry out this mandate thereby ensuring the public of our dedication to a safe National Airspace System.

A handwritten signature in cursive script, reading "Marion C. Blakey".

Marion C. Blakey
Administrator